

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**REYNALDO LOBAINA-SALGUEIRO, :**

**Petitioner, :**

**v. :**

**CIVIL ACTION 12-0364-CG-M**

**: CR. NO. 10-00123-CG-M**

**UNITED STATES OF AMERICA, :**

**Respondent. :**

**ORDER**

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that Respondent's Motion to Dismiss (Doc. 54) is **GRANTED**, and that Petitioner's Motion to Vacate (Doc. 52) is hereby **DENIED**, and that this action is **DISMISSED**. It is further **ORDERED** that, if Petitioner files a motion for certificate of appealability, then it be **DENIED**, and that he is not entitled to appeal in forma pauperis.

**DONE and ORDERED** this 24th day of October, 2012.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE